

Serial No. 10/564,965  
Amendment Dated: August 5, 2008  
Reply to Office Action Mailed: March 24, 2008  
Attorney Docket No. 095309.57283US

**Amendments to the Drawings:**

The attached sheet of drawings includes changes to Fig. 2. In Figure 2, legends have been added.

Attachment: Replacement Sheet

**REMARKS**

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 12-22 and 24-31 are now pending, wherein claims 13-15, 18, 22, 24 and 25 are amended and claim 23 is canceled.

The drawings are objected to for minor informalities. A replacement Figure 2 is submitted addressing the matters identified in the Office Action. Accordingly, withdrawal of the objection is respectfully requested.

Claims 13-15 and 23 are objected to for minor informalities. Claims 13-15 are amended to address the identified informalities, and claim 23 is canceled. Accordingly, withdrawal of the objections is respectfully requested.

Claims 12, 14-23, 25, 27 and 29-31 are rejected under 35 U.S.C. § 102(b) for anticipation by U.S. Patent No. 7,280,035 to McLain et al. ("McLain"). This ground of rejection is respectfully traversed.

As an initial matter it is noted that McLain issued on October 9, 2007, while the present application was filed as an International Application on July 15, 2004. Thus, McLain does not qualify as prior art under 35 U.S.C. § 102(b).

Furthermore, it is respectfully submitted that McLain is not prior art with respect to the present application. The present application claims priority to a

German patent application filed on July 17, 2003, whereas McLain was filed on June 22, 2004, which is after Applicants' claimed priority date. As indicated in the Notice of Acceptance dated August 21, 2006, a certified copy of the priority application was filed on January 17, 2006. In order to perfect the priority claim Applicants are submitting an English-language translation of the priority application.

Because McLain is not prior art with respect to the present application, the anticipation rejection based on McLain should be withdrawn.

Claims 13, 24 and 28 are rejected under 35 U.S.C. § 102(b) for anticipation by U.S. Patent Application Publication No. 2001/0008992 to Saito et al. ("Saito"). Claim 26 is rejected under 35 U.S.C. § 103(a) for obviousness in view of the combination of Saito and U.S. Patent No. 6,097,311 to Iwasaki et al. ("Iwasaki"). These grounds of rejection are respectfully traversed.

Applicants' claim 13 is amended to recite that

for a determined first urgency level which corresponds to a low degree of urgency, an indication mode is selected in which only the voice output includes a danger distance indication which represents the low degree of urgency

This feature is not disclosed or suggested by Saito and Iwasaki, either alone or in combination.

Saito discloses a periphery monitoring device that includes a speaker 71 that makes various announcements. Notably, however, none of these announcements includes a “danger distance indication”. Iwasaki discloses a warning device that employs different colored LEDs to indication different types of collision alarms. Iwasaki does not, however, disclose or suggest a “voice output that includes a danger distance indication”. Accordingly, even if Saito and Iwasaki were combined, the combination would not disclose or suggest all of the elements of claim 13.

Claims 24, 26 and 28 are patentably distinguishable over the current grounds of rejection at least by virtue of their dependency from claim 13. Accordingly, withdrawal of the rejection of claims 13, 24, 26 and 28 is respectfully requested.

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If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #095309.57283US).

Respectfully submitted,

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